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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

-----X  
IN THE MATTER OF

INMAR ASSOCIATES, INC.

Respondent,

Proceeding Under Section 106(a)  
of the Comprehensive Environmental  
Response, Compensation and Liability:  
Act (42 U.S.C. §9606(a))  
-----X

ADMINISTRATIVE ORDER

Index No. II CERCLA-50115

JURISDICTION

This Order is issued to Inmar Associates, Inc. ("Respondent") by the United States Environmental Protection Agency (EPA) pursuant to the authority vested in the President of the United States by §106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), which authority was delegated to the Administrator of EPA by Executive Order 12316, 46 Fed. Reg. 42237 (August 20, 1981), and duly redelegated to the Regional Administrator, EPA Region II on March 17, 1983. Pursuant to Section 106(a) of CERCLA, the State of New Jersey Department of Environmental Protection (NJDEP) has been notified of this Order.

FINDINGS

1. Respondent is a person, as defined in §101(21) of CERCLA, 42 U.S.C. §9601(21), and the owner of the facility which is the subject of this Order, and thus a responsible party under Section 107(a) of CERCLA, 42 U.S.C. §9607(a).

2. The hazardous substances referred to in this Order shall mean any substances meeting the definition of "Hazardous Substance" as defined in §101(14) of CERCLA, 42 U.S.C. §9601(14).

3. Respondent is a corporation, organized under the laws of the State of New Jersey and doing business in the State of New Jersey, which owns a parcel of property in Carlstadt, Bergen County, New Jersey. The property ("the Inmar Property") is bordered on the north by Peach Island Creek, a surface water of

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the United States, on the south by Paterson Plank Road, on the west by Gotham Parkway, and on the east by Carolina Trucking Company. The property consists of Block 124, Lots 1 through 5, Township of Carlstadt (See Figure 1, attached).

4. During the period commencing in or about 1970 and continuing until in or about 1980, the Inmar property was leased by Scientific Chemical Processing, Inc., which operated on the property a waste collection, transportation, treatment and disposal service. The property leased by Respondent to Scientific Chemical Processing, Inc. constitutes a "Facility," as that term is defined in §101(9) of CERCLA, 42 U.S.C. §9601(9). The property to which this Order pertains shall hereinafter be referred to as "the site" or "the facility."

5. During the period of its operation, Scientific Chemical Processing, Inc. accepted and transported for transfer, storage, reprocessing, reclamation, blending, treatment, and for ultimate disposal, through abandonment at the site, materials including, but not limited to, materials contaminated by polychlorinated biphenyls (PCBs), oil and oil sludges, emulsions, acids, mixed solvents, and paint and pigment residues, most of which contained hazardous substances.

6. Respondent owned the facility at which these hazardous substances were accepted for transfer, storage, reprocessing, reclamation, blending, treatment and/or disposal.

7. Inspections performed at the site by the NJDEP and EPA between 1977 and 1984, sampling and chemical analyses, and environmental surveys conducted at the site have indicated that the material which has been released, or threatens to be released, into the environment from spills and/or leaking containers at the site, contained hazardous substances, and that surface water, groundwater, air and soil at the site have been or threaten to be contaminated.

8. Specifically, a NJDEP site inspection report dated October 10, 1980 indicates that based on a June 1980 inventory of waste at the site, the following wastes and/or constituents of waste were released or threatened to be released from the site: benzene, chloroform, trichloroethylene, toluene, styrene, xylene, arsenic, mixed solvents, paint sludge and solvent sludge.

9. Based on the aforementioned inspections, sampling and chemical analyses, and environmental surveys, the New Jersey Supreme Court ordered in October 1980 that Scientific Chemical Processing, Inc. cease operations due to uncontrolled spills and leaks at the site.

10. At that time, there were approximately 56 tanks and/or tank trailers and 50 drums containing hazardous substances at the site. The structural integrity of the tanks and tank trailers was highly questionable. Many were severely discolored, indica-

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ting leaks, and some of the tanks had makeshift patches.

11. According to an Inventory prepared by Scientific Chemical Processing, Inc., in December 1980, various wastes containing hazardous substances still remained at the site, including, but not limited to, solvents and thinners, etching solutions, methanol/phosphoric acid solutions, sodium sulfate solutions, and fuel residues.

12. On May 5, 1983, a Verified Complaint and Order to Show Cause was filed by the NJDEP with Judge Reginald Stanton, Superior Court of New Jersey, the Chancery Division for Essex County, seeking the clean-up of the site. In the complaint, the Respondent was named as a defendant. On May 27, 1983 Judge Stanton made a finding that Respondent, as owner of the site, had an inherent obligation to keep the property safe and, consequently, was responsible, inter alios, for the clean-up of the site. On June 16, 1983, the Court ordered that a plan for the clean-up of the site be submitted by July 1, 1983.

13. During 1984, Respondent, under NJDEP supervision, removed from the site approximately 51 tanks and tank trailers, and approximately 50 drums, all containing hazardous substances. However, Respondent has failed to complete the clean-up work pursuant to the approved plan and the aforementioned Court Order (Docket No. C-1852-83E).

14. Presently, there are 4 tanks and 1 tank trailer remaining at the site. Lab analyses performed for Respondent indicate that the liquids, solids, and/or sludges in these tanks/tank trailer contain PCBs; these analyses showed PCB concentrations ranging as high as 91,000 parts per million (ppm) in one sample of sludge. One of the tanks shows evidence of leakage, and another tank has a half-inch wide section cut from its circumference at a height of approximately four feet above the ground. The lids on both of these tanks currently are open to the environment, enabling rainwater to come into contact with the PCB-containing liquids, solids, and/or sludges. There is an inadequate containment system in place around the tanks.

15. PCBs are regulated under the Toxic Substances Control Act (TSCA), 15 U.S.C. §2601 et. seq. Respondent, a "person" within the meaning of 40 CFR §761.3, owns a facility where PCBs (as that term is defined at 40 CFR §761.3) are stored, and is subject to the PCB regulations, 40 CFR Part 761, which were promulgated pursuant to Section 6(e) of TSCA. Pursuant to 40 CFR §761.65(a) any PCB article or PCB container stored for disposal before January 1, 1983 is required to be removed from storage and disposed of pursuant to 40 CFR Part 761 by January 1, 1984. The tanks and trailer mentioned in paragraph 14, above, are "PCB Containers" as defined by 40 CFR §761.3. The PCBs contained in the tanks and trailer were stored for disposal before January 1, 1983. Therefore, the storage of PCBs in the tanks and trailer

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constitutes a failure or refusal to comply with 40 CFR §761.65(a), which is a violation of Section 15(1)(C) of TSCA.

16. PCBs have been demonstrated to cause cancer in animals and are suspected human carcinogens. PCBs can cause liver damage, and dermatological abnormalities such as chloracne and hyperpigmentation. PCBs bioaccumulate, i.e., are retained in human and animal tissues at concentrations in excess of exposure levels. PCBs are extremely stable and persistent in the environment.

17. Analyses of waste samples during 1979 showed the following hazardous substances to be present at the site: benzene, carbon tetrachloride, chloroethane, chloroform, ethylbenzene, ethylacetate, isopropanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, phenolic resin, styrene, tetrachloroethane, tetrachloroethylene, toluene, trichloroethane, trichloroethylene, and xylene.

18. The substances listed in paragraph 8, 11, and 17, above, have been shown to cause a variety of adverse effects to exposed populations. For example, benzene exposure has been closely linked to leukemia in humans, and may also be mutagenic. Carbon tetrachloride, chloroform and tetrachloroethylene cause cancer in animals, are suspected human carcinogens, and can cause liver and kidney damage. Ethylbenzene and xylenes can adversely effect the central nervous system, causing dizziness, unconsciousness, and death due to respiratory failure.

19. The presence of such hazardous substances at the site, and their past and/or potential future migration to surrounding soils, surface water, and groundwater, constitute an actual release or threatened release within the meaning of Section 101(22) of CERCLA, 42 U.S.C. §6901(22).

20. Based on present information, the site is located on a filled-in section of the Hackensack Meadows. The fill, which consists of organic silt, is underlain by clay deposits interspersed with beds of sand and gravel. These clay deposits, and sand and gravel beds are believed to be discontinuous and may not comprise a major confining unit. The bedrock at the site is the Brunswick Formation, which underlies the clay, sand and gravel deposits at depths ranging from approximately 40 to 120 feet in the vicinity of the site.

21. The two major aquifers in the area of the site are the Brunswick Formation and the Quarternary age stratified drift located along river channels. The Brunswick Formation yields water from fractures in the rock. Fracturing decreases with depth, and most of the groundwater is produced by the upper, highly fractured part of the formation.

22. There are approximately 21,000 people living within three miles of the site. The primary water supply for this population is groundwater. The nearest well is located about 4000 feet from the site.

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23. The hydrogeologic conditions described in paragraphs 20 and 21 constitute conditions which may enhance the vertical transmission of hazardous substances in the groundwater. Groundwater contamination may pose a threat to local populations who utilize this water for drinking purposes.

24. Peach Island Creek borders the site on the north. This creek has been designated as Freshwater-2 (FW-2) by NJDEP. FW-2 criteria state that such waters should "be suitable for maintenance, migration, and propagation of the natural ecosystem and support biota." Peach Island Creek joins Berrys Creek Canal approximately 1500 feet northwest of the site. Berrys Creek Canal joins the Hackensack River approximately 2 miles downstream of its confluence with Peach Island Creek. According to NJDEP, designated uses for Berrys Creek and the Hackensack River include "secondary contact recreation; the maintenance and migration of fish populations; the migration of diadromous fish; the maintenance of wildlife and other reasonable uses." The Hackensack River enters the Atlantic Ocean in the Newark Bay approximately 7 miles south of the site. Contamination of Peach Island Creek would pose a threat of contamination to these other navigable waters.

25. Visual observations of spills into Peach Island Creek noted during past site inspections indicate possible contamination of surface water, creek sediment, soil and groundwater.

26. The site is on the National Priorities List ("NPL"), 40 CFR Part 300, Appendix B, which has been issued pursuant to Section 105(8)(b) of CERCLA, 42 U.S.C. §9605(8)(b).

27. On September 23, 1985, Respondent's attorney met with EPA representatives to discuss Respondent undertaking the work set forth herein pursuant to a proposed Administrative Order on Consent. By letter dated September 30, 1985, Respondent declined to consent to said Order.

#### DETERMINATION BY THE REGIONAL ADMINISTRATOR

28. Based on the above Findings, and the entirety of the Administrative Record, and pursuant to Section 106(a) of CERCLA, the Regional Administrator has determined that the release and threatened release of one or more hazardous substances from the facility may present an imminent and substantial endangerment to the public health, welfare and the environment.

ORDER

29. Based on the foregoing FINDINGS AND DETERMINATION, IT IS HEREBY ORDERED that to protect the public health, welfare and the environment, it is necessary that certain actions be taken to abate the release and threat of release of hazardous substances at and from the facility into the environment. Respondent shall undertake corrective actions at the facility in accordance with the directives and schedule specified below. All activities set forth below shall be initiated and completed as soon as possible even though maximum time periods for their completion are specified herein.

Description of Work

30. Within fourteen (14) calendar days of the effective date of this Order, Respondent shall submit to EPA a Detailed Work Plan with respect to accomplishing the following:

- a. Proper off-site disposition of the tanks and trailer referred to in paragraph 14 above, and their contents.
- b. Excavation and proper off-site disposal of any and all visibly contaminated soils and other visibly contaminated materials which may result or have resulted from the release of hazardous substances from the tanks and trailer referred to in paragraph 14 above.

The Detailed Work Plan shall include, but should not necessarily be limited to, the following:

- i. a detailed time schedule for performance of the specific tasks set forth in this Order and a detailed description of how these tasks will be accomplished,
- ii. a map or sketch depicting all sampling locations and the number and types of samples to be obtained at each sampling location,
- iii. the overall site operations plan for performance of tasks specified in this Order, including identification of contractors and subcontractors and their respective responsibilities,
- iv. a health and safety plan, and
- v. a contingency plan for conducting site activities.

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Submittal of the Detailed Work Plan shall be made to the Regional Administrator, EPA Region II, with copies sent to the OSC and to the Chief, Site Investigation and Compliance Branch, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, Attention: Ms. Janet Feldstein, Environmental Engineer.

31. EPA will review the Detailed Work Plan and comment thereon in writing. Within 3 business days of receipt of EPA's comments, Respondents will have an opportunity to meet with EPA to discuss such comments before they become final. Within 5 business days of receipt of the final EPA comments, Respondents shall commence implementation of the work plan as amended by such final comments (hereinafter, the EPA-approved work plan). The EPA-approved work plan shall be deemed incorporated into this Order.

32. The contents of the tanks and trailer referred to in paragraph 14 shall be sampled and analyzed to characterize the material for proper handling and disposal. Where inspection of these contents reveals several phases to be present (e.g., sludge, aqueous, oil), each phase shall be sampled individually.

33. Visibly contaminated soil shall be sampled and analyzed as in paragraph 32, above. Final determination of what constitutes visibly contaminated soil will be made by the On-Scene Coordinator.

34. All work pursuant to this Order shall be completed as soon as possible but in no event later than two months after the commencement of work under the EPA-approved work plan unless specifically approved by EPA in writing.

Designated Coordinator, On-Scene Coordinator, Other Personnel,  
and Modifications to EPA-Approved Work Plan

35. Not later than one (1) business day after the effective date of this Order, Respondent shall select a coordinator, to be known as the Designated Coordinator, and shall submit the name, address, and telephone number of the Designated Coordinator to the EPA On-Scene Coordinator. The Designated Coordinator shall be responsible for oversight of the implementation of this Order. All EPA correspondence to the Respondent shall be sent to the Designated Coordinator, with a copy to one other person designated by the Respondent. The name, address, and telephone number of the current EPA Region II On-Scene Coordinator is: (to be designated) EPA will notify the Designated Coordinator if EPA's On Scene Coordinator should change.

36. All activities required of Respondent under the terms of this Order shall be performed only by well-qualified persons possessing all necessary permits, licenses, and other authorizations required by federal, state, and local governments.

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37. In the event of an inability or anticipated inability on the part of Respondent to perform or to timely perform any of the activities required under the Order, the Designated Coordinator shall immediately inform the EPA of the reason for, and date and length of such inability to perform and the actions taken or to be taken by Respondent to avoid or mitigate the impact of such inability to perform, including the proposed schedule for such actions.

38. As appropriate during the course of implementation of the immediate corrective actions at the Facility, Respondent or Respondent's consultants or contractors, acting through the Designated Coordinator, may confer with the EPA concerning those actions. Based upon new circumstances or new information not in the possession of EPA on the date of this Order, the Designated Coordinator may request, in writing to EPA, approval of a modification of the EPA-approved work plan. If approved by the EPA, such modification shall be implemented immediately by Respondent.

39. In the event of a significant change in conditions at the Facility, the Designated Coordinator shall notify the OSC immediately at the following emergency telephone numbers: 201-548-8730 or 201-321-6670. In the event the EPA determines that the activities performed pursuant to this Order, or significant changes in conditions at the Facility, pose a substantial threat of immediate and significant risk of harm to human life or health or the environment, EPA may direct Respondent to stop further implementation of the corrective actions or to take other and further actions reasonably necessary to abate the threat. This provision is not to be construed so as to limit any rights EPA may have under 40 CFR §300.65 or any other applicable provision of the NCP, or under any other applicable law or regulation.

#### Reporting Requirements

40. Respondent shall provide written weekly progress reports to EPA with respect to all actions and activities undertaken pursuant to this Order.

41. All submittals and notifications to EPA pursuant to this Order shall be made in writing to Ms. Janet Feldstein (whose address appeared above in paragraph 30), and the OSC (whose address appeared above in paragraph 35).

#### Access and Availability of Data

42. Unimpeded access to the Facility shall be provided by Respondent to EPA and NJDEP, as well as to their respective representatives, agents, employees, contractors, and consultants. Respondent shall permit such persons to be present on the Facility at any and all times and to observe any and all activities conducted pursuant to this Order. EPA and NJDEP representatives or agents shall also have unimpeded access to any portion of or structure at the Facility.

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43. EPA and NJDEP shall have full access to all records, including but not limited to contractual documents, maintained or created by Respondent or their contractors or consultants in connection with implementation of the work under this Order.

44. In addition, all data, information, and records in connection with the implementation of work under this Order, shall, without delay, be available to EPA on request, and all employees of all persons, including contractors, who engage in activity under this Order shall be available to and shall cooperate with the United States and/or EPA. No data, information, or records shall be destroyed for eight years without either the express written approval of EPA or a written offer by the Respondent to provide such material to EPA, followed by EPA's written rejection of that offer.

45. Upon request by the EPA, Respondent shall provide split samples of any material sampled in connection with implementation of this Order.

#### General Provisions

46. This Order shall apply to and be binding upon Respondent and Respondent's officers, directors, employees, agents, servants, receivers, trustees, successors, and assigns and upon all persons, including but not limited to firms, corporations, subsidiaries, contractors, and consultants, acting under or for Respondent.

47. All actions and activities carried out by Respondent pursuant to this Order shall be done in accordance with all applicable federal, state, and local laws, regulations, and requirements.

48. All waste disposal conducted by Respondent pursuant to this Order shall comply with all requirements of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6901 et seq., the Toxic Substances Control Act (TSCA), 15 U.S.C. §2601 et seq., and all regulations promulgated pursuant thereto, as well as all applicable State laws and regulations.

49. All sampling and analyses for proper handling and disposal shall conform to EPA Quality Assurance/Quality Control and Chain of Custody procedures as directed by the EPA and in conformance with Section 10 and 1.3 of the EPA publication entitled "Test Methods for Evaluating Solid Waste" (SW-846 July, 1982 or as updated).

50. Neither EPA nor the United States, by issuance of this Order, assumes any liability for any injuries or damages to persons or property resulting from acts or omissions by Respondent, or Respondent's employees, agents, contractors, or consultants in carrying out any action or activity pursuant to this Order; nor shall EPA or the United States be held as a party to any contract entered into by Respondent or Respondent's officers, employees,

agents, contractors, or consultants in carrying out any action or activity pursuant to this Order.

51. Nothing herein shall constitute or be construed as a satisfaction or release from liability with respect to any conditions or claims arising as a result of past, current, or future operations, ownership, or use of the Facility by Respondent, Respondent's agents, contractors, lessees, successors, or assigns.

52. Nothing in this Order constitutes a decision on pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. 9611(a)(2).

#### Enforcement

53. Failure of Respondent to expeditiously and completely carry out the terms of this Order may result in EPA taking the required actions unilaterally, pursuant to §104(a)(1) of CERCLA, 42 U.S.C. §9604(a)(1).

54. Violation of this Order as a result of Respondent's failure to comply with any provision herein, including but not limited to any failure to comply with any EPA-approved work plan prepared in compliance herewith, shall be enforceable pursuant to §§106(b) and 113(b) of CERCLA, 42 U.S.C. §§9606(b) and 9613(b). Respondent may also be subject to cost recovery, civil penalties and/or punitive damages of up to three times the amount of any costs incurred by EPA as provided in §§106(b), 107(a), and 107(c)(3) of CERCLA, 42 U.S.C. §§9606(b), 9607(a), and 9607(c)(3), for failure to comply with the terms of this Order. Nothing herein shall preclude EPA from taking any additional enforcement actions, and/or additional actions as it may deem necessary for any purpose, including the prevention or abatement of an imminent and substantial danger to the public health, welfare, or the environment arising from conditions at the Facility and recovery of the costs thereof; nor shall anything herein preclude DEP from taking legal action pursuant to State law.

55. Not later than three days from the date this Order is received by Respondent, Respondent may confer with EPA to discuss this Order, including its applicability, the Findings upon which the Order is based, the appropriateness of any action or activity required to be undertaken herein, or any other issues or contentions directly relevant to the issuance of this Order which Respondent may have regarding this Order. Such conference is not, and shall not be deemed to be, an adversary proceeding or part of a proceeding to challenge this Order, and no official stenographic record of such proceeding shall be kept. Should Respondent request a conference under this paragraph, Respondent may appear at such conference in person or by an attorney or other designated representative. Any request for a conference shall be made to Ms. Kathleen Chojnowski, Attorney, Superfund Branch, Office of Regional Counsel, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York, 10278, telephone (212) 264-2211.

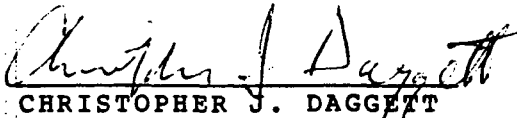
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Effective Date

55. This Order shall become effective on the fourth working day following the date on which it is received by Respondent.

IT IS SO ORDERED:

U.S. ENVIRONMENTAL PROTECTION AGENCY

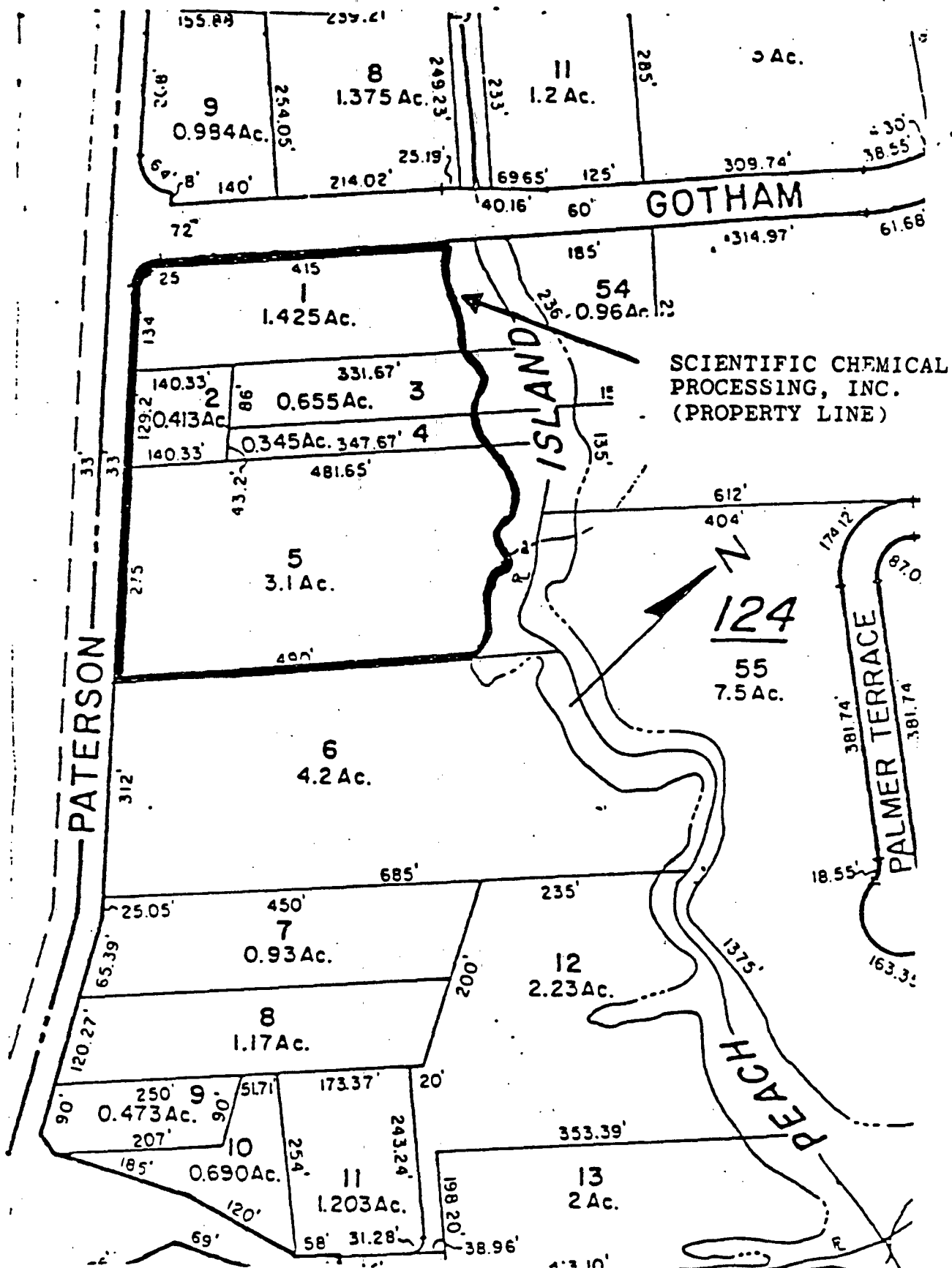


CHRISTOPHER J. DAGGETT  
Regional Administrator

U.S. Environmental Protection Agency  
Region II  
26 Federal Plaza  
New York, New York 10278

OCTOBER 23, 1988  
Date of Issuance

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Map not to scale